

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GREEN CENTURY INVESTMENT GROUP,
INC.,

Plaintiff,

v.

JOSE S. URIBE,

Defendant.

Case No. CV 14-02669 SS

ORDER SUMMARILY REMANDING

IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On April 8, 2014, Defendant Jose S. Uribe ("Defendant"), having been sued in a routine unlawful detainer action in California state court, lodged a Notice of Removal to this Court. Defendant, who is represented by counsel, argues that removal is proper on two grounds: (1) the "amount in controversy requirement is satisfied" because Plaintiff is demanding possession of a piece of property worth in excess of \$75,000, and (2) a "federal

1 question exists" because California's unlawful detainer statute
2 violates the Equal Protection Clause of the United States
3 Constitution. (Dkt. No. 1 at 2).

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5 On April 10, 2014, this Court issued an Order To Show Cause
6 Why This Action Should Not Be Dismissed For Lack Of Jurisdiction
7 And Summarily Remanded To State Court ("OSC"). (Dkt. No. 6).
8 The Court explained that diversity jurisdiction did not exist,
9 regardless of the amount in controversy, because there is no
10 demonstration of diversity of citizenship between Plaintiff, a
11 California corporation (see Dkt. No. 1 at 3), and Defendant.¹
12 (Dkt. No. 6 at 1; Dkt. No. 1 at 5). The Court also explained
13 that the Court lacks federal question jurisdiction here because
14 if any federal question exists, it exists only as an affirmative
15 defense to Plaintiff's purely state law unlawful detainer action.
16 (Id. at 2) (citing Merrell Dow Pharmaceuticals, Inc. v. Thompson,
17 478 U.S. 804, 808 (1986) ("[a] defense that raises a federal
18 question is inadequate to confer federal jurisdiction.")). In
19 sum, the Court alerted Defendant and his counsel to the fact
20 that, on its face, this action could not have been brought in
21 federal court originally and it therefore cannot be removed to
22 this Court.

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24 On April 13, 2014, Defendant, through his attorney, filed a
25 Response to the OSC ("Response") setting forth the alleged

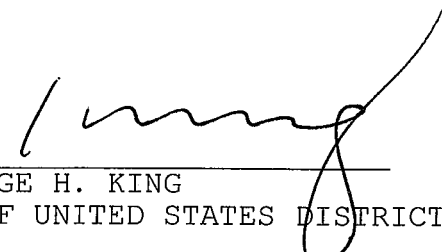
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27 ¹ Defendant is a California resident currently occupying the
28 property in Arcadia, CA that Plaintiff purchased at a foreclosure sale
and is the subject of Plaintiff's unlawful detainer cause of action.
(Dkt. No. 9 at 4).

1 grounds for federal jurisdiction. (Dkt. No. 7). However, the
2 Response lacks any coherent explanation of why this Court has
3 subject matter jurisdiction over Plaintiff's purely state law
4 unlawful detainer action. Without citation to any relevant case
5 law, Defendant argues that removal to this Court is proper
6 because: (1) Plaintiff's claim arises under the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692; (2) the Fair Debt
8 Collection Practices Act completely preempts Plaintiff's state
9 law claims; (3) the Court has supplemental jurisdiction over this
10 case based on Defendant's state law action against Plaintiff for
11 violations of California's Homeowner Bill of Rights; and (4)
12 California's unlawful detainer statute, Cal. Civ. P. Code §
13 1161a, violates the Equal Protection Clause of the federal
14 Constitution. (See Dkt. No. 7 at 2-5). All of these alleged
15 grounds lack merit, as the underlying complaint does not arise
16 under the Fair Debt Collection Act nor can the Fair Debt
17 Collection Act "preempt" the state court unlawful detainer
18 action. To the extent the Fair Debt Collection Act or the Equal
19 Protection clause are relevant to this action, their only
20 possible relevance is as affirmative defenses which cannot
21 provide grounds for removal. In addition, whether or not this
22 Court could have supplemental jurisdiction over any state law
23 claim is irrelevant, as there is no legitimate ground for
24 removal.

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1 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
2 to the Superior Court of California, County of Los Angeles, 300
3 East Walnut Street, Pasadena, California 91101, for lack of
4 subject matter jurisdiction pursuant to 28 U.S.C. § 1447; (2) the
5 Clerk of the Court send a certified copy of this Order to the
6 state court; and (3) the Clerk of the Court serve copies of this
7 Order on the parties.

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9 DATED: April 28, 2014

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12 GEORGE H. KING
13 CHIEF UNITED STATES DISTRICT JUDGE
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